

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) Crim. No.13-10200-GAO
) FILED UNDER SEAL
) EX PARTE
DZHOKHAR A. TSARNAEV,)
Defendant)

SEALED NOTICE REGARDING ONGOING INVESTIGATION

The United States of America, by and through its undersigned counsel, respectfully notifies the court of the status of a sensitive, ongoing investigation that could impact this case.

The government is currently conducting an undercover narcotics investigation of Stephen Silva, a high school classmate of the defendant's who previously identified himself to law enforcement (and has been identified by others) as a close friend and former drug-dealing associate of the defendant's. As part of that investigation, a cooperating witness ("CW") and an undercover officer ("UC") have made several substantial purchases of heroin from Silva. During these buys, Silva has indicated to the CW and the UC that he provided the defendant with the firearm used to shoot Officer Sean Collier. He later said that the defendant had earlier used the firearm to rob two drug customers after the customers tried to rob the defendant during a drug deal. The conversations were consensually audiotaped and videotaped. The undercover operatives continue to make controlled purchases of narcotics from Silva and to record his statements, some of which have been about Tsarnaev's alleged use of the firearm, and some of which have been about Silva's request that the UC help him arrange acts of violence against two unrelated third parties.

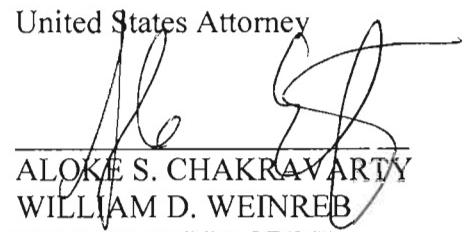
This filing is simply to notify the Court that, because disclosure to the defense of Silva's statements would compromise the ongoing investigation and endanger the safety of undercover

operatives, the government does not intend to produce the statements immediately. Rather, the government expects to conclude the undercover portion of the investigation on or before July 31, 2014, and to produce the statements once their disclosure will no longer jeopardize the investigation. To the extent that there are significant developments in this rapidly moving investigation, the government will continue to update the Court.

Respectfully submitted,

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